

Jun 16 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America)

v.)

Daniel Flaherty)

Case No.3:20-mj-70791 MAG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 1, 2019 in the county of Sonoma in the
Northern District of California, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. 1344

Bank Fraud

Maximum Penalties: 30 years' imprisonment, maximum \$1,000,000 fine,
maximum 3 years' supervised release, \$100 special assessment, forfeiture

This criminal complaint is based on these facts:

See attached affidavit of USPIS Inspector Tyler Sherman

☒ Continued on the attached sheet.

Approved as to form Abraham Fine
AUSA _____

/s/ Sworn via Phone

Complainant's signature

Tyler Sherman, USPIS

Printed name and title

Sworn to before me by telephone.

Date: June 16, 2020City and state: San Francisco, California

Judge's signature

Hon. Jaqueline Scott Corley

Printed name and title

Print

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AFFIDAVIT OF POSTAL INSPECTOR TYLER SHERMAN
IN SUPPORT OF CRIMINAL COMPLAINT

I, Tyler Sherman, Postal Inspector with the U.S. Postal Inspection Service, being duly sworn, hereby state as follows:

INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint against and an arrest warrant for **Daniel Joseph Flaherty** (“**Flaherty**”) for the violation of Title 18, United States Code (“U.S.C.”), Section 1344 – Bank Fraud.

2. The facts set forth in this affidavit are based upon my personal investigation, the information relayed to me by other law enforcement personnel, including officers of the Sonoma County Sheriff’s Office (“SCSO”), and Napa County Sheriff’s Office Investigations Bureau (NISB), as well as from the victim and witnesses. Because this affidavit is submitted for the limited purpose of establishing probable cause for the arrest of Flaherty, I have not included each and every fact known to me about this case.

AFFIANT BACKGROUND

3. I am a United States Postal Inspector with the United States Postal Inspection Service, located in the Northern District of California, San Francisco Division, and have been so employed since May 2019. Prior to becoming a Postal Inspector, I was employed by the United States Coast Guard as an Intelligence Officer, investigating and researching Transnational Criminal Organizations and Drug Trafficking Organizations for approximately three years. During my Coast Guard tenor, I was assigned to the Organized Crime Drug Enforcement Task Force Fusion Center as a Task Force Officer, analyzing information for multiple federal investigations.

4. As a Postal Inspector, I received 14 weeks of federal law enforcement training in the areas of mail theft, mail fraud, identity theft, credit card fraud, robbery, burglary, and external violent criminal activity involving mail at the U.S. Postal Inspection Service training

academy. During my employment with the Inspection Service, I have participated in investigations involving the theft of mail, and the related crimes of identity theft, check fraud, bank fraud and access device fraud. I have interviewed subjects, witnesses, and cooperating individuals regarding mail theft, identity theft and external violent crimes. I have also read official investigative reports of other law enforcement officers and Postal Inspectors.

5. I am an investigator and law enforcement officer of the United States within the meaning of 18 U.S.C., Section 3061. I am empowered by law to conduct investigations, to execute search warrants, and to make arrests for offenses of Federal law, including 18 U.S.C., Section 1344, Bank Fraud.

APPLICABLE LAW

6. Title 18 United States Code, Section 1344 provides whoever, with the intent to defraud, knowingly executes, or attempts to execute, a scheme or artifice – (1) to defraud a federally insured financial institution; or (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a federally insured financial institution, by means of material false or fraudulent pretenses, representation, or promises; shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

STATEMENT OF PROBABLE CAUSE

7. On October 5, 2019, victim P.C., filed a mail theft complaint with the United States Postal Inspection Service, concerning fraudulent charges to P.C.'s Westamerica checking account on September 30, 2019 and October 1, 2019. I interviewed P.C., who confirmed that she had not given anyone else permission to withdraw funds from her bank account during that period and did not give anyone permission to use her ATM debit card. P.C. stated she was out of town from September 25, 2019 to September 29, 2019. On September 29, 2019 at approximately 7:00 AM, the P.C.'s spouse noticed the mailbox at their residence (which is located in the Northern District of California) was open with no mail in it.

8. I interviewed a representative from Westamerica Bank, which is a federally-insured financial institution, who confirmed that a new debit card ending in 2723 (later referred

to “2723”) was placed into the U.S. Mail on September 23, 2019 and addressed to P.C.’s residence in Healdsburg, CA. Westamerica confirmed that this new debit card was activated on September 30, 2019 using phone number (XXX) XXX-2213. According to records from T-Mobile, that number was registered to Daniel Flaherty from June 9, 2019 to January 1, 2020.

9. Westamerica further confirmed that on September 30, 2019 and October 1, 2020, several withdrawals and purchases were made using P.C.’s newly-activated debit card in Middletown, Vallejo, and Windsor, California, as shown below:

\$504.00 – 09/30/2019 - ATM withdraw- Twin Pine Casino & Hotel (Middletown, CA)
 \$85.67 – 09/30/2019 - Walmart purchase (Windsor, CA)
 \$70.13 – 09/30/2019 - Walmart purchase (Windsor, CA)
 \$72.74 – 10/01/2019 – Safeway purchase (Vallejo, CA)

10. I recovered video and transaction receipts from the Walmart Store in Windsor, CA (which is located in the Northern District of California), which showed Flaherty using 2723 for purchases on September 30, 2019. Based on the still shots from the Walmart surveillance footage, Flaherty was identified by multiple law enforcement officers from a law enforcement TrakFlyer I published on October 10, 2019 to surrounding law enforcement agencies. TrakFlyers are documents used to share information among the law enforcement community to aid in identifying suspects in investigations.

11. I also obtained surveillance video from the Twin Pine Casino on September 30, 2019, which showed Flaherty in the Casino on that day (the same day the stolen credit card was used at the Twin Pine Casino to make withdrawals from the ATM).

12. In addition, a Westamerica representative confirmed that on September 30, 2019 and October 1, 2019, a suspect (identified by surveillance footage as Flaherty) attempted to deposit six third-party checks (checks made out to people other than Flaherty) via ATM by using 2723 to gain access to P.C.’s Westamerica checking account.

CONCLUSION

13. Based upon the above facts, as well as my training and experience, and based off the training and experience of other law enforcement officers, there is probable cause to believe that Flaherty committed a violation of Title 18, U.S.C., Section 1344, Bank Fraud. Accordingly, I respectfully request that an arrest warrant be issued for Flaherty.


SEALING REQUEST

14. Because this investigation is continuing, disclosure of the warrant, this affidavit, and/or attachments thereto will jeopardize the progress of the investigation. In addition, disclosure of the complaint and arrest warrant at this time would seriously jeopardize the investigation and would allow Flaherty to change patterns of behavior, notify other confederates, destroy evidence, or flee or continue flight from prosecution. Accordingly, I request that the Court issue an order that the complaint, arrest warrant, this affidavit in support of application for complaint and arrest warrant, and all attachments thereto be filed under seal until further order of this Court.

/s/

Tyler Sherman, U.S. Postal Inspector
United States Postal Inspection Service

Subscribed to and sworn before me
this 16th day of June 2020.



HON. JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE